

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: April 9, 2014

Item: Vinsand Property Shed, 8630 Ashworth Road – Vary the maximum accessory structure size requirements to construct a 30 ft. x 40 ft. structure – Douglas Vinsand and Gina Francis – VAR-002117-2014

Requested Action: Approval of a Variance Request

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicants, Doug Vinsand and Gina Francis, are requesting a 200 square foot variance of the allowed maximum 1,000 square foot accessory structure size to construct a 1,200 square foot building (30' x 40'). The new building is proposed to be constructed to house vehicles, antique tractors, equipment, and a workshop for the private use of the homeowner (see Attachment B – Location Map and Attachment C – Variance Request, and Site Plan).

History: This property was annexed into the City in 2011. The Comprehensive Plan Land Use Map shows a land use designation of Office for this property; however, this parcel, along with surrounding properties, is being used as large lot residential. The property remains Unzoned since the City has not done a consistency zoning action and no other applications for zoning have been approved.

City Council Subcommittee: This item was presented to the Planning and Development City Council Subcommittee on March 13, 2014; no comment was made on the project. Projects for consideration by the Board of Adjustment generally are presented to the subcommittee for information only.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. To allow the applicant an opportunity to address the findings in their own words and understand the findings the Board needs to make, the applicant was asked to provide their justification for the Board to consider when making their findings (see Attachment D – Applicant's Findings). Staff comments are below:

- There is an existing shed on the property of about 320 sq. ft. that the property owner has indicated will be razed and replaced with the proposed shed.
- City Code, Title 9, Zoning, Chapter 3, Section 4-C-7-c provides: *"For existing nonconforming detached single-family uses, up to two (2) detached accessory structures not to exceed one thousand (1,000) combined square feet may be permitted."*
- City Code, Title 9, Zoning, Chapter 3, Section 4-C-7-f provides: *"...an exception will be given to existing legal, nonconforming single-family detached residential buildings and detached accessory structures located in nonresidential zoning districts. Reconstruction or replacement of the structure or building shall be permitted provided that there is no increase in the number of dwelling units. The reconstruction of the building or structure shall comply with all residential standards for the comparable district in which the structure or building was first constructed or a comparable residential district, as determined by the director of development services, and with all other pertinent codes and regulations existing at the time of reconstruction..."*
- Regarding Section 4-C-7-f, This property appears to meet this exception. This property and the properties around are compatible with the residential estate zoning district in that the properties all exceed one acre in size, appear to meet the required 50 foot front yard setback and the required 20 foot side yard setbacks, and appear to meet the required minimum street frontage of 100 feet (as measured from an aerial photo in geographic information system software).
- Consistent with the reasoning that the comparable zoning of the property is residential estate, City Code, Title 9 Zoning, Chapter 14, Accessory Structures, Section 6-D provides *"Detached garages and accessory buildings in residential zoning districts may occupy up to ten percent (10%) of the total lot area in which it is located."* Also from aerial photography, it appears that each property immediately adjacent to this one has one or more accessory structures which in total exceed the 1,000 square feet in size per property.

- Staff reasons that with the razing of the current accessory structure, a replacement is allowed in accordance with Chapter 3, Section 4-C-7-f since there is no increase the number of dwelling units on the property.

In conjunction with the previously identified information, Staff supports the applicant's variance request for an additional 200 square feet of accessory structure for the following reasons:

- An accessory structure appears to be allowed to be constructed on the property to replace the structure to be razed under Title 9, Chapter 3, Section 4-C-7-f.
- There appear to be similarly sized accessory structures in the immediate vicinity thus the structure would be in keeping with the size and scale of the neighborhood.
- It seems more consistent to apply the residential estate zoning provision of allowing accessory structure(s) up to 10 percent of the lot area square footage.

Variance Findings: Title II of the City Codes discusses the variance procedure. All five (5) conditions must be met in order to grant a variance. Based upon a review of the submitted variance request, staff has made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan. *The proposed development is consistent with the comprehensive plan. Specifically, Goal 1, Policy 1.11 which states that as part of the Development Review Process, the City shall seek to maintain and improve the visual appeal of the community by ensuring proposed developments will provide site and building design that respects the existing patterns, context, and character of the vicinity.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones. *This property is similar in size and location to comparable properties which appear to have accessory structures in excess of 1,000 sq. ft. This property would not be comparable if the maximum 1,000 sq. ft. accessory structure size was applied.*
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *The strict application of the Section 4-C-7-c, restricting the maximum accessory structure size will present practical difficulties unnecessarily as there is a provision in the code Section 4-C-7-f which would allow a 1,200 sq. ft. structure on properties such as this which are consistent with residential estate provisions. This apparent conflict in the code is not imposed by the applicant.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. The existing characteristic of this area is comprised of large lot single family detached uses. A proposal was recently made to change several acres to the west of this property which is currently identified as 'office' use on the City's Comprehensive Plan to a large lot residential district. *Staff reasons that the additional 200 square feet of accessory structure at this location does not change the character of the site or its surroundings and is not to the detriment of the environment.*
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *Staff reasons that the variance does not affect the health, safety, or welfare of the public, nor is the granting of this variance request injurious to nearby property or improvements.*

Staff Recommendations and Conditions of Approval: Based upon the following review, a finding of consistency with the goals and policies of the Comprehensive Plan and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of a Variance Request to vary the maximum size of allowed accessory structures from 1,000 sq. ft. to 1,200 sq. ft. for the single family residence in a non-residentially zoned area located at 8630 Ashworth Road, subject to meeting all City Code requirements and the following:

1. No commercial business will be operated out of the accessory structure;
2. The exterior materials will be residential in nature and similar to that used on the primary structure.

Noticing Information: On March 28, 2014, notice of the April 9, 2014, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property on March 26, 2014.

Applicant: Douglas Vinsand and Gina Francis
8630 Ashworth Road
West Des Moines IA 50265

Property Owner: Same

Attachments:

Attachment A	-	Resolution
Attachment B	-	Location Map
Attachment C	-	Variance Request and Site Plan
Attachment D	-	Applicant's Findings

Prepared by: KTragesser, West Des Moines Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3630
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE VARIANCE REQUEST (VAR-002117-2014) FOR A 200 SQ. FT. FOOT VARIANCE OF THE MAXIMUM 1,000 SQ. FT. SIZE FOR ACCESSORY STRUCTURES

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Douglas Vinsand and Gina Francis, has requested approval of variance from Chapter 9, Chapter 3, Section 4-C-7-c, to allow an additional 200 square feet of accessory structure size to construct a shed at property located at 8630 Ashworth Road and legally described as;

Legal Description of Property

SEE EXHIBIT A

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on April 9, 2014, the Board of Adjustment held a duly-noticed public hearing to consider the application for a variance;

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, including any conditions of approval in Exhibit B are adopted.

SECTION 2. A 200 square foot variance of the maximum accessory structure size is hereby granted.

PASSED AND ADOPTED on April 9, 2014.

Jennifer Drake, Chairperson
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on April 9, 2014, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
LEGAL DESCRIPTION

The East 251.67 feet of the West 795 feet (measured along the North line of Section 11) of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Eleven (11) Township Seventy-eight (78) North of Range Twenty-six (26) West of the 5th P.M., Dallas County, Iowa, except the South 850 feet thereof (measured along a line parallel to the West line of said Section 11) and subject to an easement to Dallas County for road purposes over the North 45 feet thereof, EXCEPT a parcel of land located in the NW 1/4, of the NW 1/4 of Section 11 Township 78 N, Range 26W of the 5th P.M. Dallas County, Iowa, lying on both sides of part of the following described centerline of Relocated Ashworth Road, as shown on an Official plans for Project I-IG-80-3 (12) 121. The Centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Commencing at the NW corner of said Sec. 11, thence West 744.0 ft., thence S 62°40' West 575.7 ft., 521.1 ft. along a 955.0 ft. radius curve, concave, southerly and tangent to the preceding course to Sta. 252 + 84.8. Said parcel is described as follows: All that part of the East 251.67 ft. of the West 795 ft. (measured along the North line of Sec. 11) of the N 1/2 NW 1/4 of said Sec. 11, lying North of a line 50 ft. radially distant southerly of and concentric with said centerline. Said parcel contains 0.2 acres, more or less, exclusive of the present established road.

EXHIBIT B
CONDITIONS

1. No commercial business will be operated out of the accessory structure;
2. The exterior materials will be residential in nature and similar to that used on the primary structure.

**Location Map
Vinsand Property
8630 Ashworth Road**



Douglas Visand and Gina Francis
8620 Ashworth Road
West Des Moines Iowa 50265

Comprehensive Plan: Office
Zoning: Office

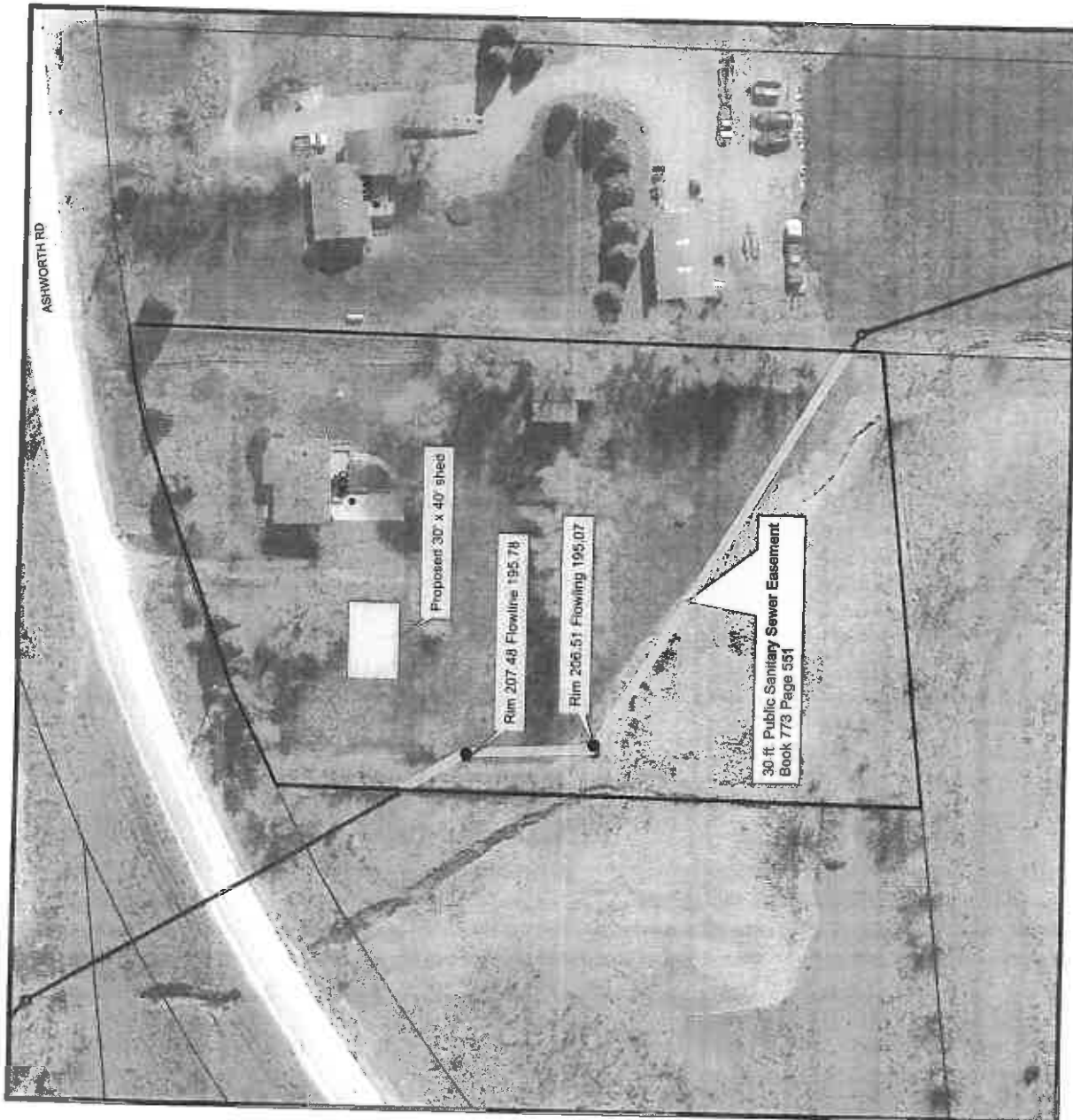
Legal Description

The East 251.67 feet of the West 785 feet (measured along the North line of Section 11) of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Eleven (11) Township Five north-eight (78) North of Range Twenty-eight (28) East of the 5th P.M., Dallas County, Iowa, except the South 850 feet of the West line of said Section 11 and subject to its easement to Dallas County for road purposes (measured along a line South 143 feet thereof, EXCEPPT a parcel of land located in the NW 1/4 of the NW 1/4 of Section 11 Township 78 N. Range 28W of the 5th P.M., Dallas County, Iowa, being on both sides of part of the following described Caddis River, designated by section poles 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at the NW corner of said Sec. 11, thence West 744.0 ft., thence S 62°40' West 375.7 ft., S21.1 ft. along a 195.0 ft. radius curve, concave, westerly and tangent to the previous course to Sta. 252 + 94.2, said parcel is described as follows: All that part of the East 251.67 ft. of the West 785 ft. (measured along the North line of Sec. 11) of the N 1/2 NW 1/4 of said Sec. 11, lying North of line 50 ft. westerly distant southerly of and commencing with said centerline, said parcel contains 0.2 acres, more or less, exclusive of the present established road.

- Sanitary Sewer Manhole
- Sanitary Sewer Easement



No scale



Kara Tragesser

From: Francis Gina T <FrancisGinaT@JohnDeere.com>
Sent: Monday, March 31, 2014 1:36 PM
To: Kara Tragesser
Subject: 8630 Ashworth Rd - Variance

Hi Kara,

Below is the new shed and layout to use when you put together the drawing that we need for the variance. I don't know if they need to know that we're putting concrete around it, but I included it to show that the shed won't directly touch the driveway, but will be 10' north of the south end of the driveway and 10' west of the west end of the driveway. The 30' wall will be North-South and the 40' wall will be East-West. Thanks so much for your help with getting the drawing done!



Gina Francis
EPDP Coordinator

Seated at:

John Deere Financial
6400 NW 86th Street
Johnston, IA 50131
Office: 515-267-4805
Mobile: 515-306-7959

**CITY OF WEST DES MOINES
VARIANCE APPLICATION FINDINGS**

Please address each required finding in the space provided or attach more sheets if necessary to prove to the Board of Adjustment that the finding can be made.

- 1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.**

The proposed building (36' x 54' with wall height of 14' and peak roof height of 20'9") will be used as a garage for the homeowners' vehicles, storage for antique tractors, storage for equipment the homeowners deem necessary to take care of 2.3 acres, and a workshop for the personal use of the homeowners. Since the property in question has a designation of Office, but is being treated as residential, it is difficult to maintain consistency with either designation. Therefore, more substantial conclusions about appropriate land use can be drawn from comparing the property to neighboring properties. Along Ashworth Rd and south on 88th St many properties have detached structures around 1,700 square feet. The neighbors directly across the street have multiple outbuildings with the largest being 40' x 60'. Therefore, this application for a storage shed is consistent with the land use of neighboring properties.

- 2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones.**

While the property in question has a land use designation of office, and it is being treated as R-1, Single Family Residential, it is truly neither. The property is 2.3 acres and is surrounded by single family owned properties of similar size, which lends an estate feel to the property and surrounding area not that of an R-1 Single Family Residential area nor an office park. Following the logic in part 1, it is better to compare the property to neighboring properties rather than official designations that may or may not be more applicable in the future. As it is impossible to accurately predict what will happen to the Ashworth Rd. corridor in the next decades as development increases to the west, it seems most prudent to judge this property against the current state of the area vs. that of a future state.

- 3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest.**

It is understandable that in areas of higher density single family housing that large storage structures are undesirable as they generally are not as attractive as a single family home. However, at the property in question, the location of the shed would be approximately 185' from the nearest

neighbor's house. Additionally the homeowners plan on planting a windbreak and hedges along the west property line and just south of the Ashworth Rd. right of way, which will shield the shed both from the neighbors' view to the west and motorists on Ashworth Rd. To the east there is a large tree between the neighbors and the shed along with a decline that will limit their view of the structure. Therefore, the general reason to regulate outbuilding size due to an R-1 designation does not hold as much weight in this case. Additionally, to ease the maintenance work on the acreage, the homeowners have a lawn mower, ATV for plowing snow, trailer for moving said equipment, trailer for hauling lawn debris, a wood chipper, and many other items needed to care for the property. With a single car garage attached to the house there is not enough space to store those items along with the two personal vehicles of the homeowners. A shed would provide the necessary storage space without over-valuing the property in relation to its neighbors as would happen if the homeowners were to build a large addition onto the house to create a garage space large enough for all the items mentioned above.

4. That there have been no changes in the character of the site or its surrounding which detrimentally affect the environment.

There will be minimal detrimental effects to the environment due to the building of the storage shed. The shed will have gutters and downspouts connected to rain barrels and eventually a cistern to collect rainfall run-off from the shed, which will mitigate most of the environmental detriment due to adding impervious surface to the property. Additionally, the homeowners will bring in fill from outside the property to create a level space for the shed, which means that no additional low spots will be created on the property leading to flooding issues. One of the homeowners is an engineer with a background in soil & water conservation, so if there are unforeseen problems in the future due to run-off and erosion, the homeowners will be well-equipped to fix the issue.

5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

The storage shed will not cause any health issues as it will not be used for any purpose that will release toxins through vapor, liquid, or solids to the outside environment. As mentioned earlier, since the shed will be 185' from the nearest neighbor's residence, it should not cause undue stress for them. Additionally, as shown in the attached graphics, the shed will not be within the 30 foot-on-center easement for the sanitary sewer line on the property and the existing manhole cover on the property will still be easily accessible. The shed will also not be within the 60 foot recommended right of way to Ashworth Rd.

Appendix: Shed placement and measurements

Shed dimensions



Width of Shed



Length of Concrete



Length of Shed

The proposed shed will not exceed 36' x 54' with 10' of concrete to the east of the shed between the shed and existing driveway.

Shed distance from Ashworth Rd. right of way



The pale blue line represents the right of way that is an automatic layer on the Dallas County GIS site. The closest part of the shed will be 48' away from the right of way.

Shed distance to sewer main



The black line represents the sewer main that runs through the property. Its location was copied from the map provided to the homeowners during the initial meeting with the city about this project. Note that the closest point of the shed will be 33' from the sewer main.

Shed distance to nearest neighbors



The neighbors to the east are closest to the proposed structure at 185' from their house to the shed. .